

REMARKS

The Office Action of May 14, 2008 has been carefully reviewed and these remarks are responsive thereto. Claims 1-27 remain pending in the application. Claims 1, 9, 23, 25, and 28 have been amended. Claims 7, 8, 19-21, 24, and 26 have been withdrawn. Claims 5, 10, and 16 have been canceled. Reconsideration of the application in view of the foregoing amendments and following remarks is respectfully requested. Each of the Examiner's rejections is discussed below.

Section 112

Claims 1-4, 6, 9, 11-15, 17-18, 22-23, 25, and 27-28 have been rejected under 35 U.S.C. § 112, first paragraph, on the ground that the originally filed disclosure did not provide adequate and clear support for the phrase "permanently sealed."

Claims 1, 9, 23, 25, and 28 have been amended to replace this phrase and are now believed to be in proper form, and an indication to that effect is respectfully requested at this time.

Section 103

Claims 1, 2, and 6

Claims 1, 2, and 6 have been rejected under 35 U.S.C. § 103(a) over U.S. Patent No. 3,134,995 to Kirchner ("Kirchner") in view of U.S. Patent No. 1,538,627 to Lauro ("Lauro") and U.S. Patent No. 5,728,055 to Sebastian ("Sebastian"). This rejection is respectfully traversed.

Kirchner fails to disclose or make obvious first and second longitudinal chambers and a plurality of transverse chambers that define a bladder that is sealed and free of any openings, as required by independent claim 1.

Kirchner discloses a swimming aid including a bladder 11 having an inflator tube 30 that is used to inflate and deflate bladder 11. One skilled in the art would be taught away from

having a bladder that is sealed and free of any openings, since to do so would defeat the purpose of Kirchner of being able to inflate and deflate the bladder when needed. Specifically, a stated aim of Kirchner is to have the swimming aid be “substantially invisible when worn by the user on land” and “be inflated by the user when in the water....” (Col. 1, lines 30-32.) Having a bladder that is sealed and free of any openings would defeat the express aim of Kirchner of being able to have a substantially invisible swimming aid on land. Consequently one skilled in the art would be taught away from modifying Kirchner in such a manner.

Additionally, one skilled in the art would also not use either Lauro or Sebastian to modify Kirchner to provide a bladder that is sealed and free of any openings. Accordingly, the rejection is improper and should be withdrawn.

Claims 3, 4, 9, 11-15, 17, 18, and 22

Claims 3, 4, 9, 11-15, 17, 18, and 22 have been rejected under 35 U.S.C. § 103(a) over Kirchner, Lauro, and Sebastian, and further in view of U.S. Patent No. 6,644,522 to Preiss (“Preiss”). This rejection is respectfully traversed.

Preiss fails to overcome the deficiencies of the combination of Kirchner, Lauro, and Sebastian discussed above with respect to independent claim 1, which deficiencies apply to independent claim 9 as well. Accordingly, the rejection is improper and should be withdrawn.

Claim 23

Claim 23 has been rejected under 35 U.S.C. § 103(a) over Kirchner, Lauro, Sebastian, and Preiss, and further in view of U.S. Patent No. 1,651,921 to Felz (“Felz”). This rejection is respectfully traversed.

Felz fails to overcome the deficiencies of the combination of Kirchner, Lauro, Sebastian, and Preiss discussed above with respect to independent claim 1, which deficiencies apply to independent claim 23 as well. Accordingly, the rejection is improper and should be withdrawn.

Claims 25 and 27

Claims 25 and 27 have been rejected under 35 U.S.C. § 103(a) over Kirchner in view of Sebastian. This rejection is respectfully traversed.

As discussed above, the combination of Kirchner and Sebastian fails to disclose or make obvious a bladder that is sealed and free of any openings, as required by independent claim 25. Accordingly, the rejection is improper and should be withdrawn.

Claim 28

Claims 28 has been rejected under 35 U.S.C. § 103(a) over Kirchner in view of Lauro. This rejection is respectfully traversed.

As discussed above, the combination of Kirchner and Lauro fails to disclose or make obvious a bladder that is sealed and free of any openings, as required by independent claim 28. Accordingly, the rejection is improper and should be withdrawn.

Conclusion

Accordingly, all pending claims are believed to be in proper form for allowance, and an indication to that effect is respectfully requested at this time. Examination of withdrawn claims 7, 8, 19-21, and 24 is respectfully requested at this time. The Commissioner is hereby authorized to charge any fees or credit any overpayments to **Deposit Account No. 19-0733**.

Respectfully submitted,

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By: /Gregory J. Cohan/
Gregory J. Cohan, Reg. No. 40,959
BANNER & WITCOFF, LTD.
28 State Street, 28th Floor
Boston, MA 02109
(617) 720-9600